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**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

ROGELIO ZARAGOZA,  
  
Plaintiff(s),  
  
v.  
  
SENTRY RECOVERY &  
COLLECTIONS, INC.,  
  
Defendant(s).

2:12-CV-2037 JCM (NJK)

**ORDER**

Presently before the court is the matter of *Zaragoza v. Sentry Recovery & Collections, Inc.* (case no. 2:12-cv-02037-JCM-NJK).

On February 21, 2013, plaintiff Rogelio Zaragoza filed a notice of voluntary dismissal with prejudice pursuant to Fed. R. Civ. P. 41(a)(1)(A)(i). (Doc. # 11). Plaintiff sought dismissal on the basis that defendant Sentry Recovery & Collection, Inc. had not served an answer or a motion for summary judgment. Contrary to plaintiff's representation, defendant filed an answer on January 9, 2013 (*see* doc. # 6); thus, dismissal under Fed. R. Civ. P. 41(a)(1)(A)(i) is improper.

Pursuant to Fed. R. Civ. P. 41(a)(2), the court may dismiss an action at plaintiff's request on terms the court considers proper. Here, the plaintiff is, in effect, requesting the court to dismiss plaintiff's action against defendant with prejudice.

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Accordingly,

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that this matter be, and the same hereby is, dismissed with prejudice.

IT IS FURTHER ORDERED that each party bear its own attorneys' fees and costs.

DATED March 15, 2013.

  

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UNITED STATES DISTRICT JUDGE